

REMARKS

By the present amendment, claim 1 has been amended to incorporate the subject matter of claim 3. Accordingly, claims 3, 6-7, 10, 15, and 20 have been cancelled.

Claims 1-2, 4-5, 8-9, 11-14, 16-19, and 21-28 are pending in the present application. Claim 1 is the only independent claim.

As a preliminary, in the form PTO-1449 which was returned with the Office Action (IDS filed with the application on February 11, 2004), reference AF (JP9-208898) has not been initialled as considered by the Examiner.

This application is a continuation application which claims priority of U.S. Appln. Serial No. 10/271,528 which is properly identified in the IDS, both on the front page and on the PTO-1449. Further, a copy of JP9-208898 was properly submitted in the parent application. Accordingly, consideration of this reference is appropriate and is respectfully requested. See 37 C.F.R. 1.98(d)(1) and MPEP 609.

It is requested that a copy of the PTO-1449 be returned with reference AF initialled. For the Examiner's convenience, a copy of JP9-208898 is attached to this paper.

Next, in the Office Action, claim 23 is rejected under 35 U.S.C. 112, second paragraph, as indefinite. The Examiner alleges that a perfluoroalkyl structure cannot be non-fluorinated, and that claim 23 is understood as an example of the non-fluorinated alkoxy silane.

Claim 23 has been amended to replace "the compound having a perfluoro alkyl structure is a non-fluorinated alkoxy silane represented by the formula..." by "the hydrolyzable non-

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fluorinated alkoxy silane is represented by the formula..." as suggested in the Office Action. Accordingly, it is submitted that the rejection should be withdrawn.

Next, in the Office Action, claims 1-2, 6-9, and 23-27 are rejected under 35 U.S.C. 102(e) as anticipated by US 2003/0077457 to Akamatsu et al. ("Akamatsu").

Also, in the Office Action, claims 1-2, 6-9, and 23-27 are rejected under 35 U.S.C. 102(e) as anticipated by US 6,403,225 to Narisawa et al. ("Narisawa").

Claim 1 has been amended to incorporate the subject matter of claim 3, which is not included in these rejections. Accordingly, it is submitted that the rejections should be withdrawn.


In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

If there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

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If this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to Deposit Account No. 50-2866.

Respectfully submitted,
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